

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6212

BILL NUMBER: SB 224

NOTE PREPARED: Apr 11, 2013

BILL AMENDED: Apr 9, 2013

SUBJECT: Duties of Article V Convention Delegates.

FIRST AUTHOR: Sen. Long

FIRST SPONSOR: Rep. Bosma

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: *Duties of Article V Convention Delegates:* This bill describes the duties of delegates and alternate delegates to a convention called under Article V of the Constitution of the United States.

Votes Outside the Scope of Instructions Given by the General Assembly: The bill provides that a vote cast by a delegate or an alternate delegate that is outside the scope of the instructions given by the General Assembly is void. It provides that a delegate or alternate delegate who votes or attempts to vote outside the scope of the instructions given by the General Assembly forfeits the delegate's appointment by virtue of that vote or attempt to vote. The bill also provides that the call by the General Assembly for an Article V convention is withdrawn if all delegates and alternate delegates vote or attempt to vote outside the scope of the instructions given by the General Assembly.

Penalty Provision: The bill provides that a delegate or alternate delegate who knowingly or intentionally votes or attempts to vote outside the scope of the instructions commits a Class D felony.

Advisory Group: The bill also establishes an advisory group to evaluate whether a delegate or an alternate delegate has acted outside the scope of instructions.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *Penalty Provision:* This bill provides that a delegate or alternate delegate who knowingly or intentionally votes or attempts to vote outside the scope of instructions given by the General Assembly commits a Class D felony. A Class D felony is punishable by a prison term ranging from six months

to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: Department of Correction; General Assembly; Attorney General.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Jessica Harmon, 317-232-9854.